IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.297 OF 2004
IN
SUMMARY SUIT NO.2346 OF 2003

Vishu Ajbani,the Prop.of M/s.Deco Plywood ...Plaintiff
V/s.
M/s.Kelenzaids Contamination Controls P.L....Defendant

Mr.Pramod Kumar Paida with Mr.Anil Kumar Paida for the Plaintiff.
Mr.V.K. Shiralkar for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 22ND AUGUST, 2005.

P.C. :

1. The suit is filed to recover the amounts due in respect of the goods sold and delivered by the Plaintiff to the Defendant as per the invoice. The receipt of the goods is acknowledged as evidenced by delivery challans. The cheques for part payment have been dishonoured.

2. The only defence is that the suit is barred by law of limitation. The defence is without any substance. There is an acknowledgment of liability during the period of limitation. Further by a writing dated 4th May, 2000, the Defendant agreed and undertook to pay the amounts and requested the

Plaintiff to bare with him till then.

3. The Plaintiff has filed the compilation of the original documents. The same is taken on record and marked Exhibit "A" collectively.

4. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed as prayed with costs.

. Refund as per rules.